

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BLANCA I. COUVERTIER,

Plaintiff,

19 CIVIL 8533 (SN)

-v-

JUDGMENT

ANDREW SAUL, Commissioner of Social
Security,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated October 14, 2020, the Commissioner's motion for remand is GRANTED, and Plaintiff's motion for judgment on the pleadings and a remand solely for purposes of an award of benefits is GRANTED in part and DENIED in part. The record "does not compel but one conclusion," and therefore a remand for an award of benefits is not appropriate. Johnson v. Bowen, 817 F.2d 983, 986 (2d Cir. 1987). Accordingly, this matter is remanded for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). See Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991). On remand, the Commissioner will affirm the ALJ's finding that Plaintiff became disabled beginning on April 4, 2018. For the period before April 4, 2018, the Commissioner will direct the ALJ to: (1) further evaluate the opinion of Dr. Mahony along with all other opinion and other medical evidence of record; (2) re-assess Plaintiff's residual functional capacity; and (3) if warranted by the expanded record, obtain vocational expert testimony; accordingly, the case is closed.

Dated: New York, New York
October 14, 2020

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk